

REMARKS

Reconsideration of this application is respectfully requested.

It is respectfully believed that the above Election and amendments to the claims, including the canceling of claims 6, and 12 - 31 comply with the provisions of the Paper mailed November 24, 2004, a copy of which the undersigned attorney of record cannot find or does not have. The Election and claim material is based on a telephone conversation with the Examiner and the courtesy material faxed by the Examiner to the undersigned on November 19, 2004.

By way of explanation for the amending and then canceling of claims 12 - 31, those claims were inadvertently misnumbered, and five claims are newly presented. It was deemed preferable to renumber the claims correctly in order to properly number the newly presented claims.

Newly presented claim 32 is independent, and newly presented claims 33 - 36 are dependent from claim 32 either directly or indirectly. These newly presented claims are directed to an end plate element as illustrated in Figs. 15 - 17.

Claims directed to the nonelected species have been canceled. The cancellation obviates the Examiner's question regarding the two bridge species. However, it is respectfully submitted that Fig. 12 shows the two bridge species, and the specification adequately discussed Fig. 12.

The two cited references have been carefully reviewed and it is submitted that the independent claims 1 and 32 clearly define over the references.

The Patent Publication discloses an inverted U-shaped element disposed in a narrow trench over a single conduit. Nothing in the Publication suggests that end plates may be disposed in a trench with a bridge secured to the end plates. The structure of the Publication requires a very specific sized trench, while the width of trenches in most cases may vary, and accordingly end plates such as disclosed and claimed are efficient and practical for trenches of varying widths. The end plates are virtually universal, with the length of a bridge selected according to the width of the trench.

The structure disclosed in the Derwent publication is likewise inapposite to the structure of the present invention. Again, there is no suggestion of using a pair of end plates and a connecting bridge for retaining conduits in a trench. The structure includes a block with grooves for receiving cables and an inverted U-shaped clip element with barbs for securing a cable in the groove of a block.

With the independent claims allowable, the dependent claims are also allowable. However, the independent claims also define structure neither suggested nor taught by the cited references.

The courtesy of the Examiner in this matter is sincerely appreciated. It is hoped that the accompanying Petition is granted and that this Amendment will be acted on and that the application may be passed to issue.

If the Examiner would prefer language other than that employed, it is requested that the undersigned Attorney of Record be called in order to expedite the prosecution of the application.

Respectfully submitted,

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